



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#24  
8/21/02  
C. Steg

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Application of: VITE et al.

Application No.: 09/084,542

Group Art Unit: 1624

AUG 14 2002

Filed: May 26, 1998

Examiner: B. Kifle

TECH CENTER 1600/2900

For: EPOTHILONE DERIVATIVES

Attorney Docket No.: LD125b (5624-263)

**RESPONSE**

**Box Non-Fee Amendment**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 20, 2002, Applicants submit herewith the following remarks for consideration and entry into the record of the above-captioned application. Applicants respectfully request reconsideration of the pending claims and allowance thereof. For the Examiner's convenience a complete list of the currently pending claims is attached hereto as Appendix A.

**REMARKS**

Claims 1-4, 7-8, 11, and 14-67 are pending in this application for the Examiner's review and consideration. Applicants appreciate the courtesies extended to Applicants' attorneys, Anthony M. Insogna and Paul E. Dietze, during a telephonic interview conducted on July 10, 2002. The comments appearing herein are substantially in accordance with those presented and discussed in the interview.

**THE REJECTION UNDER 35 U.S.C. §112 SHOULD BE WITHDRAWN**

Claims 1, 2, 4, 7-8, and 15-58 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons set forth on page 2 of the Office Action. Applicants respectfully traverse the rejection.

The Examiner alleges that the term "substituted" without saying which substituents are intended is indefinite. First, Applicants note that claims 15-16 and 54 do not recite the word "substituted." With regard to the remaining claims Applicants respectfully submit that independent claim 1 and claims depending therefrom are not indefinite. "Whether a claim is . . . [indefinite]